Enhancing the Delivery of Quality Justice

Report of the Boston Municipal Court Department Access and Fairness Survey Project



ADMINISTRATIVE OFFICE OF THE TRIAL COURT

Honorable Robert A. Mulligan Chief Justice for Administration and Management

March 2008

From the Chief Justice for Administration and Management:

I am pleased to issue this inaugural access and fairness report which reflects the Massachusetts Trial Court's ongoing commitment to demonstrate accountability and transparency and to continuously improve the delivery of justice.

The Boston Municipal Court Department piloted the use of a new performance measurement on Access & Fairness based on the CourTools methodology and survey instrument developed by the National Center for State Courts. The court then implemented the survey in all eight divisions, collecting survey responses from over 1,500 court users.

I commend Chief Justice Charles Johnson for his willingness to lead the way in this new area of performance assessment. He appointed an enthusiastic implementation team whose "can do" attitude and meticulous preparation ensured the development of a successful model for engaging court employees and eliciting public comment. He also appointed a management task force to review the survey results and existing practices in each BMC division and make recommendations for improving operations.

I extend sincere appreciation to that enthusiastic team led by Honorable Michael C. Bolden with Clerk Magistrate Anthony S. Owens; First Assistant Clerk Patricia F. McDermott; Assistant Clerk Linda M. Scanlon; Administrative Attorney Lisa A. Yee; and Fiscal Operations Supervisor Joanne Hoey. Through their thoughtfulness and collaboration this assessment effort was introduced as a positive experience within the courthouses.

I also greatly appreciated the active support extended by the dedicated judges, Clerk Magistrates, Chief Probation Officers, Chief Court Officers and others in the eight divisions of the Boston Municipal Court Department who enabled the successful execution of this groundbreaking effort. I also thank court facilities staff for their support with logistics.

The commendable survey results reflect the hard work and focus on the quality of justice by all Boston Municipal Court Department employees. As we extend this assessment to other court departments, we will appreciate and rely on the experience and vision of the Boston Municipal Court Department.

Robert A. Mulligan Chief Justice for Administration and Management

Dear Chief Justice Mulligan:

In furtherance of our mission to ensure that all those seeking justice will have access to the courts of the Commonwealth, the Boston Municipal Court Department is grateful for the opportunity to have formulated and conducted the access and fairness survey in all eight of its court divisions. Your confidence in our capacity to undertake such an important project provided us with the determination and commitment to timely complete the project within the highest standards of professional excellence and reliability. Although we are pleased to have successfully completed the project, we are even more satisfied with the results of the survey and the empirical evidence supporting this department's reputation for providing access to our courts and the opportunity for justice that rests within them.

We have begun the process of meeting with the managers of each court division to discuss and review their individual survey results, and how these results may be used to revise old and create new and more effective business practices.

The access and fairness survey is an illuminating tool in the Trial Court's continuing efforts to ensure access to justice. The Boston Municipal Court Department strongly encourages the use of this tool in all Trial Court Departments and we are available to assist other court departments with the survey implementation process should they elect to avail themselves of our experience.

Again, thank you for your confidence and the opportunity to be of service to the Trial Court in the achievement of our common mission to secure access to justice for all persons in the Commonwealth of Massachusetts.

Charles Ray Johnson Chief Justice

Enhancing the Delivery of Quality Justice Boston Municipal Court Department Access and Fairness Survey Project

Executive Summary

This is the second in a series of reports on the court metrics project. The Massachusetts Trial Court expanded its focus on improving the delivery of justice through performance measurement by implementing a nationally-developed Access and Fairness survey. Access and fairness are key components in the delivery of quality justice. The survey sought feedback from all types of court users on their experiences in accessing the courthouse and conducting business there. The introduction of this new measurement reinforced the court's focus on accountability and supported ongoing efforts to enhance access to justice. The Access and Fairness survey furthered the empirical approach to accountability, and produced data on the experiences of court users to inform Trial Court efforts to improve access to justice.



Members of the Implementation Team: Fiscal Operations Supervisor Joanne Hoey, Honorable Michael C. Bolden, Chairman; Clerk Magistrate Anthony S. Owens, Chief Justice Charles R. Johnson, Administrative Attorney Lisa A. Yee, Chief Justice Robert A. Mulligan, Assistant Clerk Magistrate Linda M. Scanlon, and Assistant Clerk Magistrate Patricia F. McDermott.

The Access and Fairness survey initiative produced valuable data and generated substantial good will in the eight divisions of the Boston Municipal Court Department where it was conducted. Over 1,500 court users participated in the Access and Fairness survey project. The success of the project was largely due to the efforts of the implementation team. The implementation team was staffed by experienced and respected court personnel who represented all major constituencies. The project enjoyed the strong support of leaders at the Administrative Office of the Trial Court and throughout the Boston Municipal Court Department. Through careful planning, preparation and communication, the implementation team ensured full participation in the project.

The results of the Access and Fairness survey project will be used in the Boston Municipal Court Department to further improve court operations and services. A management task force will be created to review the survey results and existing practices within each BMC court division and make recommendations to address issues identified in the survey. The goal of the Trial Court is to implement the survey in all other Trial Court departments during 2008.

Enhancing the Delivery of Quality Justice Boston Municipal Court Department Access and Fairness Survey Project

Introduction

The Massachusetts Trial Court has expanded its focus on improving the delivery of justice through performance measurement by piloting and implementing a nationally-developed Access & Fairness Survey. The survey seeks feedback from all types of court users on their experiences in accessing the courthouse and conducting business there. The introduction of a new measurement reinforces the court's focus on accountability and supports ongoing efforts to enhance access to justice.

Greater accountability and transparency represent a commitment to transforming the culture of the Trial Court in it efforts to enhances the delivery of quality justice. This commitment to transformation was urged by the Visiting Committee on Management the Courts, in challenged the Trial Court to "create a culture of high performance accountability," and reinforced by the Management Advisorv (CMAB), which observed that "the much needed transformation of the management of the court system requires data collection, analytic tools, performance goals and public measurement to spur system-wide improvement and change."

Visiting Committee on Management in the Courts

The Visiting Committee on Management in the Courts, popularly known as the Monan Committee after its chair, Boston College Chancellor J. Donald Monan, S.J., was convened by the Supreme Judicial Court to "provide an independent perspective on management in the State's courts and recommendations for improvement." The Visiting Committee issued a report critical of Trial Court management in March 2003 and recommended that the Trial Court "create a culture of high performance and accountability."

Court Metrics Project. A key aspect of this commitment to transform the culture of the Trial Court was the development of performance-based measures and the compilation of objective data to better inform management policies and decisions. The first performance-based metrics initiative focused on the timely and expeditious disposition

of cases – an area where the Visiting Committee had found the Trial Court management practices to be wanting.

The court metrics project on timeliness and expedition produced systematic data on caseflow in the Trial Court based on established time standards and common goals and metrics. Next, it was considered important to collect data on

Court Management Advisory Board

Consistent with the Visiting Committee recommendation that a "high-profile and respected advisory board" be created to assist in improving management of the courts, the Legislature established the Court Management Advisory Board (CMAB) in 2003. The CMAB has provided thoughtful guidance and strong support to the Trial Court in pursuing Visiting Committee recommendations – particularly the development of performance-based metrics and the integration of empirical data into the management of the courts.

the perceptions of court users regarding such matters as the court's accessibility and its treatment of users regarding fairness, equality and respect.

CourTools. The Trial Court benefited greatly from the existence of CourTools the ten core trial court performance measures developed by the National Center for State Courts (NCSC) - in implementing the timeliness expedition metrics project. Four of the ten metrics dimensions measured timeliness and expedition, and the Trial Court adopted these four metrics. Similarly, a fifth CourTools measure set forth a survey methodology for eliciting

and interpreting data on users' perceptions of court characteristics and practices as they relate to access and fairness. Again, the Trial Court adopted the CourTools methodology, including the Access and Fairness Survey instrument, which had been tested by NCSC for reliability and validity.

Accountability and Access to Justice. The Access & Fairness Survey supports two major priorities of the Trial Court. Just as the Trial Court has emphasized accountability to improve the quality of justice, it also has advanced initiatives that will promote access to justice. The Access and Fairness Survey not only furthers the empirical approach to accountability, but also produces data on the experiences of court users that will better inform Trial Court efforts to improve access to justice.

Addressing Access and Fairness

Access and fairness are key components in the delivery of quality justice. The Access and Fairness Survey project furthers access to justice by reaching out to all court users for their input on those areas that are priorities for further improvements to the court system.

Definition Purpose Method Ratings of court users on Many assume that "winning" or "losing" is what Everyone in the court on a "typical" day is the court's accessibility matters most to citizens when dealing with the asked to fill out a brief self-administered and its treatment of courts. However, research consistently shows that survey as he or she exits the courthouse. customers in terms of positive perceptions of court experience are shaped People are asked to rate their level of fairness, equality, and more by court users' perceptions of how they are agreement with each item, using a 1-5 scale. treated in court, and whether the court's process of respect. The survey should be conducted on a periodic making decisions seems fair. This measure basis, for example, annually. The individuals provides a tool for surveying all court users about surveyed would include litigants and their their experience in the courthouse. Comparisons families and friends, victims and witnesses, of results by location, division, type of customer, attorneys, law enforcement officers, and across courts can inform and improve court representative of social service agencies, and management practices. individuals doing record searches or having other business at the clerk's office, among others. Because the survey is designed to assess the view of the court's customers, judges and court staff are excluded.

Boston Municipal Court Department

Honorable Charles R. Johnson Chief Justice

Brighton Division
Honorable David T. Donnelly
Presiding Justice
James B. Roche, Clerk Magistrate

Central Division Honorable Paul K. Leary Presiding Justice Daniel J. Hogan, Esq., Clerk Magistrate

Charlestown Division Honorable Michael C. Bolden Presiding Justice John Whalen,Esq., Clerk Magistrate

Dorchester Division
Honorable Sydney Hanlon
Presiding Justice
Anthony S. Owens, Clerk Magistrate

East Boston Division Honorable Paul F. Mahoney Presiding Justice Joseph R. Faretra, Clerk Magistrate

Roxbury Division
Honorable Edward R. Redd
Presiding Justice
Michael W. Neighbors, Clerk
Magistrate

South Boston Division Honorable Roberto Ronquillo, Jr. Presiding Justice Margaret F. Albertson, Esq., Clerk Magistrate

West Roxbury Division Honorable Kathleen E. Coffey Presiding Justice Richard L. Walsh,Esq., Clerk Magistrate

Implementation

In April 2007, Chief Justice Charles R. Johnson appointed a project team to implement the access and fairness performance metric in the Boston Municipal Court Department. A detailed guide to the implementation of this CourTools metric is available from the Boston Municipal Court.¹ Some of the key principles that contributed to the success of this project are highlighted in this section.

Implementation Team. The project was guided by an implementation team. The team included experienced and respected court staff representing various roles within the courts – judiciary, clerks, and administrative staff. The team members combined their varied experiences and strengths in a collaborative effort to ensure the success of the project. The implementation team coordinated and managed every aspect of the project from the design of the survey instrument, to scheduling data collection dates, organizing logistics, and being on site at every court division.

Leadership Support. The project enjoyed strong leadership and support at all levels of the court's administration, including the Chief Justice of Administration and Management and the Chief Justice of the Boston Municipal Court Department. At each of the eight court divisions, the project enjoyed the support of the Presiding Justices, the Clerk Magistrates, Chief Court Officers, Chief Probation Officers, and Facilities Managers. Leadership at each court site ensured that the data collection was done on dates with the best representative sampling of criminal and civil matters, that the project was physically located in an optimal area to interact with court users, that court users were encouraged to complete the survey, and that the project would not disrupt court business.

¹ Boston Municipal Court Department, *Implementing CourTools Access and Fairness Metric: A Detailed User Guide*, January 2008.



Preparation and Planning. The Implementation Team did exhaustive preparation and planning for the project. This included review of the survey instrument, procuring equipment, and scheduling and coordinating all project activities. The final survey instrument developed by the team appears in the appendix. The team began the project at a single pilot site before implementation at all other court divisions. The eight court divisions involved a total of sixteen days of data collection. The careful planning and thorough preparation done by the Implementation Team contributed to the successful implementation of the project at all sites.

Communication. Communication was a key component of the implementation strategy. The Implementation Team coordinated communication between the team and staff at the eight court division sites. It was important that court staff be aware of the project so that they could encourage participation on the days selected for data collection. The enthusiastic cooperation of court staff at each division contributed to the success of the project. Highly visible signage and a uniform script read aloud during each courtroom session and over the public announcement system, where available, introduced the project to court users and encouraged participation at the end of their business. Survey instruments, name tags, and signage were color coordinated to better communicate the project to court Often the judge assigned to greet jurors notified users. of the project and encouraged those jurors participation.

Ensuring Access and Fairness. The Implementation Team was guided by the principles of ensuring access and fairness to facilitate the participation of all court users in the survey process. It was important that any barriers to participation due to literacy, language, or privacy concerns be addressed. Access to the project for all court users was ensured by: providing sufficient copies of survey instruments, translating all materials into languages appropriate to the respective court divisions (English, Portuguese, Spanish, and Vietnamese), providing magnifying sheets, scheduling data collection on dates with the best representative sampling of

Boston Municipal Court
Department
Access and Fairness
Implementation Team

Chairman

Honorable Michael C. Bolden
Presiding Justice
Charlestown Division

Team Members

Joanne Hoey
Fiscal Operations Supervisor
Administrative Office
Boston Municipal Court

Patricia F. McDermott First Assistant Clerk Magistrate Brighton Division Boston Municipal Court

Anthony S. Owens Clerk Magistrate Dorchester Division Boston Municipal Court

Linda M. Scanlon Assistant Clerk Magistrate Central Division Boston Municipal Court

Lisa A. Yee, Esq. Administrative Attorney Administrative Office Boston Municipal Court criminal and civil matters, allowing data collection staff to assist court users in reading and filling out the survey instrument, positioning data collection stations at key locations in the court buildings, and securing completed surveys in a locked container.



Elizabeth K. Marini assists court user in completing survey.

Division	Day One	Day Two	Grand Total	Stations
Roxbury	135	112	247	3
Dorchester	186	170	356	3
East Boston	64	50	114	1
Charlestown	27	50	77	1
W. Roxbury	103	111	214	2
Brighton	58	50	108	1
South Boston	57	34	91	1



Lisa A. Yee staffing survey collection station.

Results

Over 1,500 court users participated in this initiative. As can be seen in the following table, both the number of respondents and the quality of the responses were very high. These users took the time to participate fully in the project, and many provided very thoughtful and helpful comments.

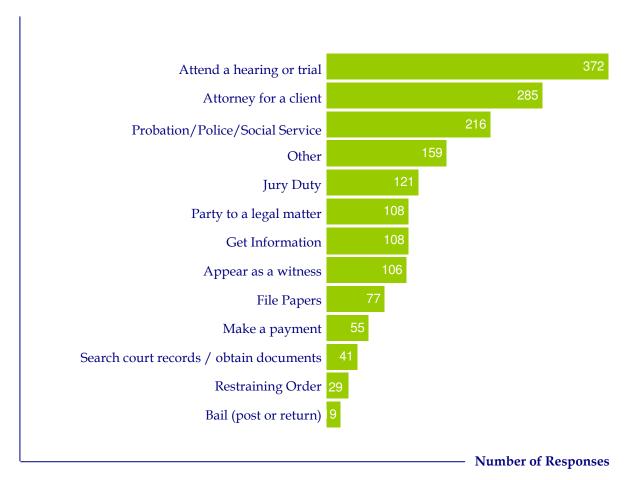


Clerk Magistrate Anthony S. Owens receiving a completed survey from a court user.

Surveys Completed	
Number of Surveys Returned	1,507
Languages	
English	1,496
Spanish	28
Portuguese	3
Vietnamese	0
Survey Sections Completed	
Section 1. Access to Court	1,499
Section 2. Fairness	1,003
Section 3. Purpose of Visit	1,432
Section 3. Type of Case	1,364
Section 3. Frequency of Visits	1,413
Section 3. Race	1,404
Section 3. Gender	1,449

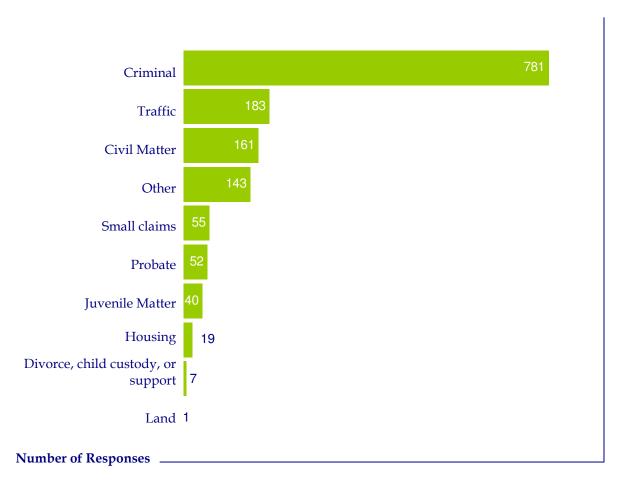
Purpose. People come to our courts for a variety of purposes. The implementation team succeeded in getting a cross-section of types of court users to participate in the survey process. The most commonly noted purposes were: to attend a hearing or trial, attorney for a client, law enforcement and jury duty. Some of the respondents in the "other" category included interpreters, researchers and student observers.

Why were you at court today?



Case Type. A variety of types of cases are heard throughout the BMC Divisions. For the eight BMC divisions, most respondents were there for criminal or traffic cases. Smaller numbers of respondents were there for civil cases. A relatively small number of respondents indicated case types that are generally not associated with the BMC (e.g. Housing and Probate).

What type of case brought you to court today?



Access. The following chart shows the percentage of respondents who agreed/strongly agreed with each of the eleven items designed to assess access to the courts. There were eight items on which 75% or more of the respondents agreed or agreed strongly:

"The clerk's office is run very professionally. No *matter who comes to the desk* they are served quickly, politely and kindly."-Comment.

- I felt safe in the courthouse;
- Finding the courthouse was easy;
- I was treated with courtesy and respect;
- I easily found the courtroom or office I needed;
- Court staff was attentive;
- The courts hours of operation were reasonable;
- The forms I needed were clear and easy to understand: and
- My overall experience at the court house today was satisfactory.

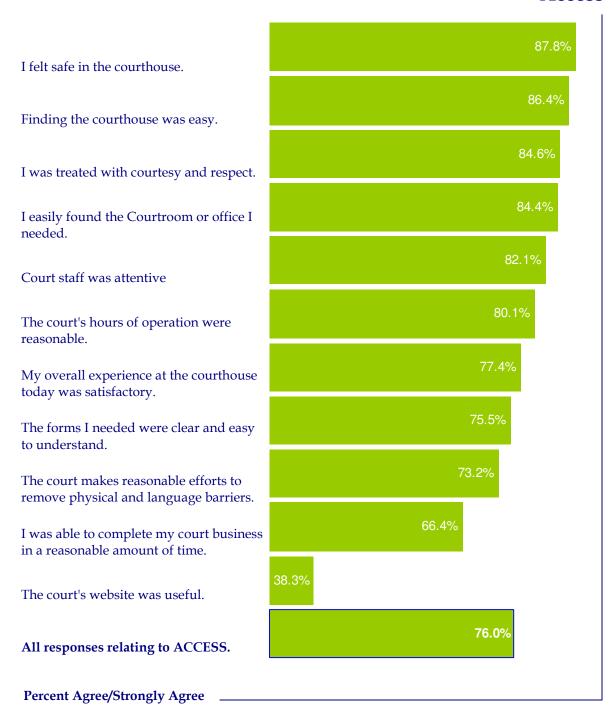
The high proportion of court users who noted the safety, courtesy, respect, and attentiveness of court staff highly speaks to the dedication of Trial Court employees.

There were a few items that were well-rated by less than 75% of the respondents:

- The court's website was useful;
- I was able to complete my court business in a reasonable amount of time; and
- The court makes reasonable efforts to remove physical and language barriers.

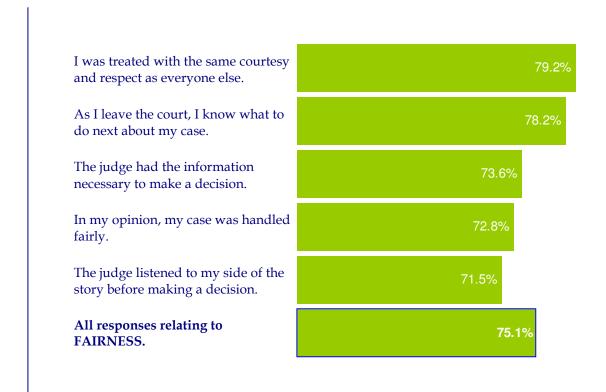
"I was here from 9:30 to 3:00 for a matter that took less than 10 minutes to discuss. There were more than 50 people to see 1 person. Appearance should be staggered."- Comment Survey responses indicate that the Trial Court's focus on timeliness is well placed and should continue. Findings suggest that more attention to the systematic scheduling of cases on a single day may contribute to more timely caseflow. Other comments suggested that reviewing directions to the courthouse for accuracy and providing BMC case information would be helpful to some court users. Many court users do not have access to the web so that access can not be ensured by relying only on this technology.

Access



Detailed findings on Access and Fairness for each court division are presented in the appendix. **Fairness.** The next chart shows the results of the five questions designed to assess the court user's perception of fairness. These items were only assessed by individuals who appeared before a judge, clerk or magistrate. The ratings ranged from 79.2% agreeing or strongly agreeing with "I was treated with the same courtesy and respect as everyone else.", to 71.5% for "The judge listened to my side of the story before making a decision."

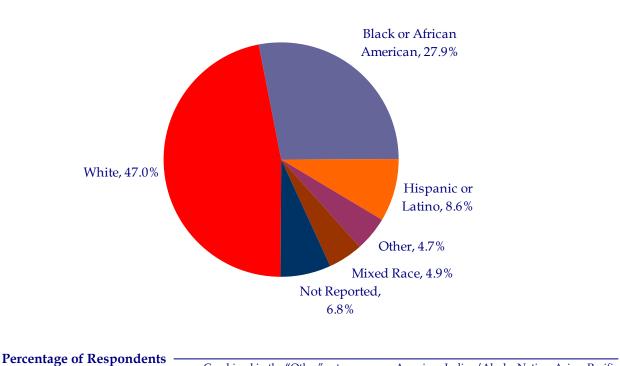
Fairness



Percent Agree/Strongly Agree

Race. The following chart shows the race / ethnicity of the survey respondents. The survey elicited responses from a diverse population including 47.0% whites and 46.1% racial / ethnic minorities. Only 6.8% of the survey respondents did not provide this information.

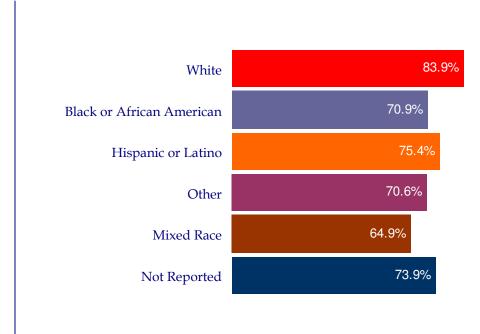
How do you identify yourself?



Combined in the "Other" category were American Indian/Alaska Native, Asian, Pacific Islander, and other races. The "Not Reported" category consists of respondents who did not provide race or the race was unknown.

The following chart shows the results of the question "My overall experience at the courthouse today was satisfactory" by the race / ethnicity of the survey respondent. For all categories at least 65% of the respondents agreed or strongly agreed with this statement. White survey respondents had the highest proportion agreeing or strongly agreeing with this statement. Further analysis of these patterns may be helpful.

"My overall experience at the courthouse today was satisfactory."

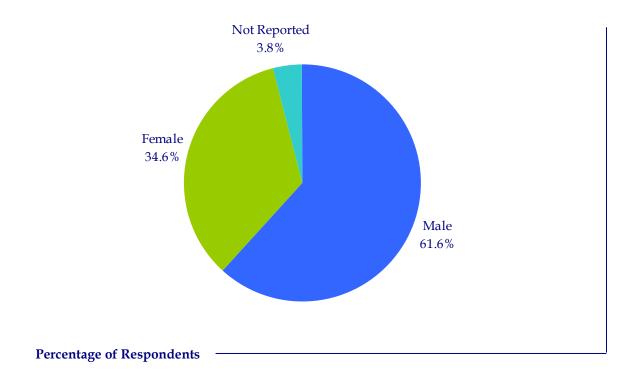


Percent Agree/Strongly Agree

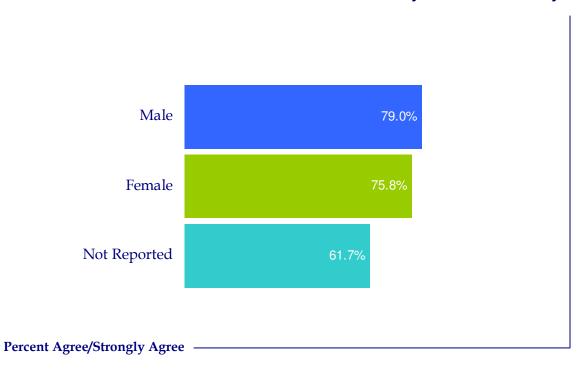
Combined in the "Other" category were American Indian/Alaska Native, Asian, Pacific Islander, and other races. The "Not Reported" category consists of respondents who did not provide race or the race was unknown.

> **Gender.** The following charts show the gender of the survey respondents and the results of the question "My overall experience at the courthouse today was satisfactory" by the gender of the survey respondent. The majority (61.6%) of the survey respondents were male. Males were slightly more likely to agree or strongly agree that their experience was satisfactory than females.

Gender



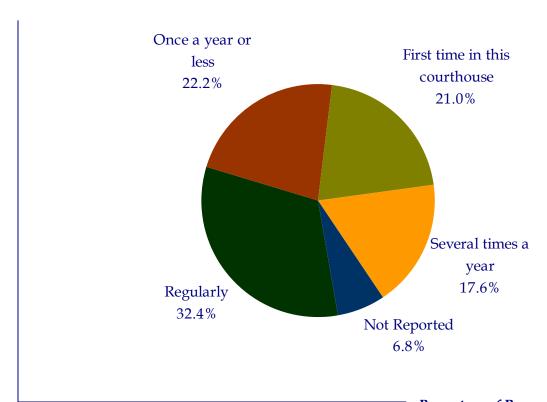
"My overall experience at the courthouse today was satisfactory."



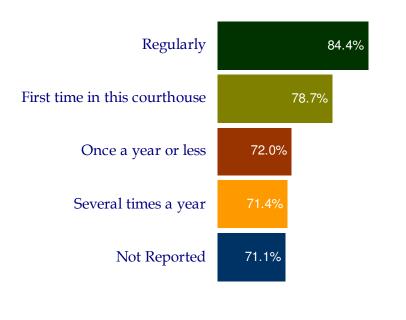
"The Clerks and Judges run this Court very well and should be recognized for their outstanding efforts." - Comment

Frequency of Court Visits. The following chart shows the results of the question "How often are you typically in this courthouse?" Of all survey respondents, 43.2% were in the courthouse for the first time or came once a year or less and 50.0% were there several times a year or regularly. All groups had at least 71% agreeing or strongly agreeing with the statement "My overall experience at the courthouse today was satisfactory." Those respondents who came to court regularly had the highest proportion (84.4%) agreeing or strongly agreeing with this statement.

Frequency of Court Visits



"My overall experience at the courthouse today was satisfactory."



Percent Agree/Strongly Agree

Conclusion

The Access and Fairness survey initiative produced valuable data and generated substantial good will in the eight divisions of the Boston Municipal Court Department where it was conducted. The success of the Access and Fairness survey project was largely due to the efforts of the implementation team. The implementation team was staffed by experienced and respected court personnel who represented all major constituencies. The project enjoyed the strong support of leaders at the Trial Court and throughout the Boston Municipal Court Department. Through careful communication, planning, preparation and implementation team eliminated barriers to participation in the project.

The results of the Access and Fairness survey project will be used in the Boston Municipal Court Department to further improve court operations and services. A management task force will be created to review the survey results and existing practices within each BMC court division and make recommendations to address issues identified in the survey. The goal of the Trial Court is to implement the survey in all other Trial Court departments during 2008.

Survey Instrument

English



Access and Fairness Metric Survey Results by Court Division

Percent Agree/Strongly Agree

Survey Question	Brighton	Central	Charlestown	Dorchester	East Boston	Roxbury	South Boston	West Roxbury	All Divisions
Access									
Finding the courthouse was easy.	82.4%	86.6%	84.4%	88.5%	86.6%	85.7%	91.0%	84.0%	86.4%
I felt safe in the courthouse.	95.4%	90.9%	87.0%	81.8%	93.8%	83.6%	92.0%	89.5%	87.8%
The court makes reasonable efforts to remove physical and language barriers.	72.9%	76.5%	69.7%	75.0%	72.9%	69.2%	69.7%	73.1%	73.2%
I easily found the courtroom or office I needed.	90.7%	79.1%	90.8%	82.9%	88.4%	83.5%	89.9%	85.3%	84.4%
Court staff was attentive.	86.1%	83.5%	83.8%	77.4%	86.7%	74.1%	90.9%	88.2%	82.1%
I was treated with courtesy and respect.	92.4%	84.6%	85.7%	79.9%	89.5%	81.4%	91.9%	86.3%	84.6%
The forms I needed were clear and easy to understand.	82.5%	77.9%	75.7%	73.0%	77.5%	72.2%	80.2%	73.3%	75.5%
I was able to complete my court business in a reasonable amount of time.	75.2%	65.9%	54.8%	59.8%	74.1%	59.0%	71.8%	79.5%	66.4%
The court's hours of operation were reasonable.	92.4%	82.9%	69.7%	74.2%	86.7%	78.8%	82.0%	80.2%	80.1%
The court's website was useful.	44.3%	37.5%	25.4%	35.9%	36.5%	40.4%	49.4%	38.3%	38.3%
My overall experience at the courthouse today was satisfactory.	89.7%	78.5%	63.5%	72.9%	83.8%	74.6%	78.2%	81.1%	77.4%
Fairness Communication Communi									
The judge listened to my side of the story before making a decision.	77.9%	74.4%	66.0%	67.3%	75.3%	67.3%	79.7%	71.5%	71.5%
The judge had the information necessary to make a decision.	81.4%	76.2%	67.9%	71.6%	80.6%	68.3%	78.1%	71.5%	73.6%
I was treated with the same courtesy and respect as everyone else.	88.4%	83.3%	77.8%	70.3%	83.1%	75.3%	87.1%	81.9%	79.2%
In my opinion, my case was handled fairly.	84.3%	73.0%	67.3%	70.9%	73.2%	67.3%	79.4%	74.8%	72.8%
As I leave the court, I know what to do next about my case.	84.1%	83.2%	77.4%	73.7%	83.8%	75.6%	85.7%	71.9%	78.2%